

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 159**  
**97TH GENERAL ASSEMBLY**

0674H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to school district residency for children of certain military members, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 167.020, RSMo, is repealed and one new section enacted in lieu  
2 thereof, to be known as section 167.020, to read as follows:

167.020. 1. As used in this section, the term "homeless child" or "homeless youth" shall  
2 mean a person less than twenty-one years of age who lacks a fixed, regular and adequate  
3 nighttime residence, including a child or youth who:

4 (1) Is sharing the housing of other persons due to loss of housing, economic hardship,  
5 or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative  
6 adequate accommodations; is living in emergency or transitional shelters; is abandoned in  
7 hospitals; or is awaiting foster care placement;

8 (2) Has a primary nighttime residence that is a public or private place not designed for  
9 or ordinarily used as a regular sleeping accommodation for human beings;

10 (3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus  
11 or train stations, or similar settings; and

12 (4) Is a migratory child or youth who qualifies as homeless because the child or youth  
13 is living in circumstances described in subdivisions (1) to (3) of this subsection.

14 2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil  
15 himself or herself shall provide, at the time of registration, one of the following:

16 (1) Proof of residency in the district. Except as otherwise provided in section 167.151,  
17 the term "residency" shall mean that a person both physically resides within a school district and  
18 is domiciled within that district or, in the case of a private school student suspected of having

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et  
20 seq, that the student attends private school within that district. The domicile of a minor child  
21 shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or  
22 court-appointed legal guardian. **For instances in which the family of a student living in**  
23 **Missouri co-locates to live with other family members or live in a military family support**  
24 **community because one or both of the child's parents are deployed out of state or deployed**  
25 **within Missouri under Title 32 or Title 10 active duty orders, the student may attend the**  
26 **school district in which the family member's residence or family support community is**  
27 **located. If the active duty orders expire during the school year, the student may finish the**  
28 **school year in that district; or**

29 (2) Proof that the person registering the student has requested a waiver under subsection  
30 3 of this section within the last forty-five days. In instances where there is reason to suspect that  
31 admission of the pupil will create an immediate danger to the safety of other pupils and  
32 employees of the district, the superintendent or the superintendent's designee may convene a  
33 hearing within five working days of the request to register and determine whether or not the pupil  
34 may register.

35 3. Any person subject to the requirements of subsection 2 of this section may request a  
36 waiver from the district board of any of those requirements on the basis of hardship or good  
37 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause  
38 for the issuance of a waiver of the requirements of subsection 2 of this section. The district  
39 board or committee of the board appointed by the president and which shall have full authority  
40 to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five  
41 days after receipt of the waiver request made under this subsection or the waiver request shall  
42 be granted. The district board or committee of the board may grant the request for a waiver of  
43 any requirement of subsection 2 of this section. The district board or committee of the board  
44 may also reject the request for a waiver in which case the pupil shall not be allowed to register.  
45 Any person aggrieved by a decision of a district board or committee of the board on a request  
46 for a waiver under this subsection may appeal such decision to the circuit court in the county  
47 where the school district is located.

48 4. Any person who knowingly submits false information to satisfy any requirement of  
49 subsection 2 of this section is guilty of a class A misdemeanor.

50 5. In addition to any other penalties authorized by law, a district board may file a civil  
51 action to recover, from the parent, military guardian or legal guardian of the pupil, the costs of  
52 school attendance for any pupil who was enrolled at a school in the district and whose parent,  
53 military guardian or legal guardian filed false information to satisfy any requirement of  
54 subsection 2 of this section.

55           6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or  
56 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an  
57 interdistrict transfer program established under a court-ordered desegregation program, a pupil  
58 who is a ward of the state and has been placed in a residential care facility by state officials, a  
59 pupil who has been placed in a residential care facility due to a mental illness or developmental  
60 disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed  
61 in a residential facility by a juvenile court, a pupil with a disability identified under state  
62 eligibility criteria if the student is in the district for reasons other than accessing the district's  
63 educational program, or a pupil attending a regional or cooperative alternative education program  
64 or an alternative education program on a contractual basis.

65           7. Within two business days of enrolling a pupil, the school official enrolling a pupil,  
66 including any special education pupil, shall request those records required by district policy for  
67 student transfer and those discipline records required by subsection 9 of section 160.261 from  
68 all schools previously attended by the pupil within the last twelve months. Any school district  
69 that receives a request for such records from another school district enrolling a pupil that had  
70 previously attended a school in such district shall respond to such request within five business  
71 days of receiving the request. School districts may report or disclose education records to law  
72 enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or  
73 juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose  
74 records are released. The officials and authorities to whom such information is disclosed must  
75 comply with applicable restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

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